

RECEIVED
CENTRAL FAX CENTER

AUG 17 2007

FAX COVER SHEETPATENT
Docket No. GC796-2-US
SN 10/549,943

☐ Urgent
☐ Confidential
☐ Action Required
☐ Reply Requested
☐ For Your Info.

TO: Group Art Unit 1652

LOCATION: USPTO

Fax No.: (571)273-8300

FROM: Aida Martin, for Victoria L. Boyd

LOCATION: GENENCOR INTERNATIONAL, INC.
Legal Department
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-4068
Fax: 650-845-6504

DATE: August 17, 2007

NUMBER OF PAGES TO FOLLOW: 5 SENT BY: am

Re: Serial No. 10/549,943, Attorney Docket No. GC796-2-US

Attachments: Transmittal (1 page) in duplicate and a response to the Restriction Requirement (3 pages), mailed on July 20, 2007.

The original of this facsimile will be sent to you via:

☐ Regular Mail ☐ Overnight Mail ☐ Hand Delivery ☒ Will Not Be Sent

☒ Please initial acknowledgment of receipt by return facsimile _____

NOTE: The information contained in this facsimile message is confidential and may be subject to attorney-client privilege and is intended only for the use of the above named individual(s). If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone(650/846-7517) and return the original transmission to us by mail.

RECEIVED
CENTRAL FAX CENTER

AUG 17 2007

I hereby certify that this correspondence is being sent by facsimile transmission in accordance with § 1.6(d) addressed to Art Unit 1652, Central Facsimile No. (571)273-8300, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on the date shown below.

Date: August 17, 2007

By:


Aida MartinPATENT
Docket No. GC796-2-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/549,943 Confirmation No. 7104
Applicant: Jones et al.
Filed: August 21, 2006
Art Unit: 1652
Examiner: Chowdhury, Iqbal Hossain
Docket No.: GC796-2-US
Customer No.: 5100

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

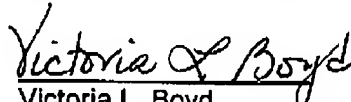
Sir:

Enclosed please find the response to the Restriction Requirement, mailed on July 20, 2007.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC796-2-US). A duplicate of this paper is enclosed.

Respectfully submitted,

Date: August 17, 2007


Victoria L. Boyd
Registration No. 43,510

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7615
Fax: 650-845-6504

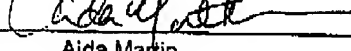
GC796-2-US T-RR 8-17-07

RECEIVED
CENTRAL FAX CENTER

AUG 17 2007

I hereby certify that this correspondence is being sent by facsimile transmission in accordance with § 1.6(d) addressed to Art Unit 1652, Central Facsimile No. (571)273-8300, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on the date shown below.

Date: August 17, 2007

By: 
Aida MartinPATENT
Docket No. GC796-2-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/549,943 Confirmation No. 7104
Applicant: Jones et al.
Filed: August 21, 2006
Art Unit: 1652
Examiner: Chowdhury, Iqbal Hossain
Docket No.: GC796-2-US
Customer No.: 5100

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

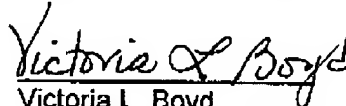
Sir:

Enclosed please find the response to the Restriction Requirement, mailed on July 20, 2007.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC796-2-US). A duplicate of this paper is enclosed.

Respectfully submitted,

Date: August 17, 2007


Victoria L. Boyd
Registration No. 43,510

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7815
Fax: 650-845-6504

GC796-2-US T-RR 8-17-07

AUG 17 2007

I hereby certify that this correspondence is being sent by facsimile transmission in accordance with § 1.8(d) addressed to Art Unit 1652, Central Facsimile No. (571)273-8300, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on the date shown below.

Date: August 17, 2007

By:

Alda Martin

PATENT
Docket No. GC796-2-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/549,943 Confirmation No. 7104
Applicant: Jones et al.
Filed: August 21, 2006
Art Unit: 1652
Examiner: Chowdhury, Iqbal Hossain
Docket No.: GC796-2-US
Customer No.: 5100

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Restriction Requirement mailed July 20, 2007 in the above-identified patent application where the Examiner has required restriction among the following groups:

Group I, Claims 1-14, 15-21, 25-28 and 30, drawn to an isolated polynucleotide encoding a polypeptide cellulase, expression construct, vector, host cell and process for producing polypeptide, polypeptide cellulase and a method of treating wood pulp by using said cellulase;

Group II, Claim 22, drawn to a recombinant host cell comprising altered (deletion, insertion or other alteration) cellulase gene resulting in an inactivated gene and no cellulase production;

Group III, Claims 1-3 and 23-24, drawn to an antisense oligonucleotide complementary to mRNA that encodes said cellulase;

Group IV, Claim 29, drawn to a feed additive comprising said cellulase;

GC 796-2-US RR

U.S. Serial No. 10/549,943
Page 2

Group V, Claims 31-32, drawn to a method of converting biomass to sugar by using said cellulase;

Group VI, Claim 33, drawn to a method of producing ethanol by using said cellulase;

Group VII, Claim 34, drawn to a method of identifying novel enzymes.

Applicants hereby elect, with traverse, the invention in Group 1, Claims Claims 1-14, 15-21, 25-28 and 30, drawn to an isolated polynucleotide encoding a polypeptide cellulase, expression construct, vector, host cell and process for producing polypeptide, polypeptide cellulase and a method of treating wood pulp by using said cellulase.

Applicants traverse this restriction requirement and believe that a search and examination of the entire application (or Groups I and V) can be made without serious burden to the Examiner, see MPEP sections 803 and 808.

The basis for traverse is that there would not be a serious burden on the examiner if restriction between Groups I and V. Group I relates to a method of treating wood pulp by using said cellulase, while Group V relates to a method of converting biomass to sugar by using said cellulase. These two groups are very related because biomass includes wood.

Rejoining process claims under *In re Ochiai*

Applicants thank the Examiner for noting that after the elected product claims have been found allowable, all withdrawn process (method) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined. MPEP §821.04; page800-63, 8th Edition, August 2001; *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Brouwer*, 37 USPQ2d 1663 (Fed Cir 1995); 1184 OG 86, 3/26/96.

Applicants note that Groups encompassing withdrawn process (method) claims which depend from or otherwise include all of the limitations of the allowed product claims include


Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected

U.S. Serial No. 10/549,943
Page 2

subject matter. Applicants have fully and completely responded to the Office Action and have made the required election. This application is now in order for early action.

Respectfully submitted,

Date: August 17, 2007


Victoria L. Boyd
Registration No. 43,510

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7615
Fax: 650-845-6504

GC 796-2-US RR